

Naples City Council

July 14, 2011

Minutes

The regularly scheduled meeting of the Naples City Council was held July 14, 2011, 7:35 p.m., at the Naples City Office, 1420 East 2850 South, Naples, Uintah County, Utah.

DATE, TIME & PLACE OF MEETING

Council members attending were Dean Baker, Robert Hall, Gordon Kitchen, Dennis Long, Dan Olsen, and Kenneth Reynolds.

COUNCIL MEMBERS ATTENDING

Others attending were Vance King, Jim Harper, Connie Patton, Mark Watkins, Chris Hoem, Craig Blunt, and Nikki Kay.

OTHERS ATTENDING

At 7:30 p.m. Mayor Baker welcomed everyone and called the meeting to order. Mayor Baker opened the meeting with the pledge of allegiance. Councilman Gordon Kitchen offered the invocation.

OPENING CEREMONY

Councilman Olsen wanted to add a discussion regarding the drainage on 2000 South to the agenda. Chris Hoem wanted to know if the Council would add a discussion regarding the Tuscany Condos to the agenda. Dan Olsen **moved** to approve the agenda with the additions. Robert Hall **seconded** the motion. The motion passed with all voting aye.

AGENDA APPROVED

Mayor Baker asked for approval of the minutes of June 23, 2011. Kenneth Reynolds **moved** to approve the minutes of June 23, 2011 as presented. Robert Hall **seconded** the motion. The motion passed with all in attendance voting aye.

MINUTES APPROVED

Councilman Kitchen wanted to follow up on the survey the Recreation District will be conducting. Councilman Kitchen said he would like the residents of Naples to participate in the survey and maybe the Council could discuss ways to help facilitate that at the next Council meeting. Mayor Baker said they could add it to the next Council agenda. Councilman Dennis Long arrived at this time.

FOLLOW UP ITEMS FROM PREVIOUS MEETING

Connie Patton presented the bills in the amount of \$132,502.96 and asked for an additional \$256.16 for a total of \$132,759.12. Connie explained the additions were for the

APPROVAL OF THE BILLS

Sinclair fuel bill and an IFA invoice for work clothes. Dan Olsen **moved** to approve payment of the bills with those additions. Dennis Long **seconded** the motion. The motion passed with the following roll call vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Vance King presented a change order request to the Council for the 2500 South project. Mr. King explained that CO.1 was for the gate and retaining wall at the Bristol property in the amount of \$9,000. CO.2 was for the retaining wall at the Long's property in the amount of \$7,700. The final request was for a change to the specification for hot mix asphalt. The contractor wanted to increase the allowable percentage of aggregate passing the No. 200 sieve from 7% to 9%. Mr. King said this should not be detrimental to the hot mix asphalt and he recommended the Council approve this change also. Mr. King asked the Council if they would also be willing to add an additional six working days to the contract to allow for the placement of the retaining walls. Mr. King said this will not disturb the work on the road and recommended the Council approve the six days. Gordon Kitchen **moved** to approve the change orders for the Bristol's, Long's, hot mix asphalt, and to add six working days to the contract. Robert Hall **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chief Watkins asked the Council to ratify the travel request for Manuel Escoto to attend training in Alabama. Chief Watkins said Lieutenant Escoto was given a grant to attend computer training and plans were finalized at the last minute not giving the department time to present the request in a Council meeting. Chief Watkins said all of the training is paid for and the only amount requested was \$450 for a rental car to allow Lieutenant Escoto to travel on the weekends when he is not in training. Dan Olsen **moved** to ratify the request

***CHANGE ORDERS FOR
2500 SOUTH ROAD
PROJECT***

***RATIFY TRAVEL
REQUEST FOR POLICE
DEPARTMENT***

of \$450 for travel. Robert Hall **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chief Watkins explained that each year the department receives money from the State for DUI enforcement, education, etc. Chief Watkins asked for approval to expend those funds to purchase an intoximeter and new digital cameras and cases. Chief Watkins said the funds need to be spent before the end of the fiscal year and he has ordered most of the equipment already. Robert Hall **moved** to approve the expenditures. Kenneth Reynolds **seconded** the motion. The motion passed with the following roll call:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chief Watkins told the Council that because the department has purchased new digital cameras he has several he will need to surplus. Chief Watkins said he would check to see if any of the other departments need a camera and then would like to see about selling the rest. Dennis Long **moved** to authorize the surplus of the old cameras. Dan Olsen **seconded** the motion. The motion passed with all voting in the affirmative.

Chris Hoem wanted to request the surplus of some planning software but found the license for the software does not allow it to be resold so he was withdrawing his request. No action was taken on this matter.

Nikki Kay asked the Council for approval to renew the PO's for the two Xerox copy machines. Nikki explained the excessive print copy charges increased as did the amount per month per unit. Gordon Kitchen **moved** to approve the renewal of the PO's for the Xerox copy machines. Robert Hall **seconded** the motion. The motion passed with the following vote

Robert Hall	Aye
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***REQUEST TO PURCHASE
EQUIPMENT FOR DUI
ENFORCEMENT***

***REQUEST TO SURPLUS
DIGITAL CAMERAS***

***SURPLUS OF PLANNING
SOFTWARE***

***APPROVAL TO RENEW
PO'S FOR XEROX COPY
MACHINES***

Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Nikki Kay explained to the Council that she made an error in the salary for the Mayor as it was presented in Ordinance 11-130. Nikki presented the corrected amount and asked the Council to approve Ordinance 11-131 with that correction. Dennis Long **moved** to accept Ordinance 11-131. Dan Olsen **seconded** the motion. The motion passed with the following roll call vote:

***ORDINANCE 11-131
AMENDING SALARIES
FOR ELECTED OFFICERS***

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt reminded the Council about the discussion regarding the 750 East road in Pheasant Run Subdivision tying into High Country Subdivision. He explained to the Council that because of the length of the road going into Pheasant Run Subdivision the developers were required to have another exit out of the subdivision. Craig said they met with the subdivision developers and subsequent to that meeting the developers sent a letter stating that by June 2014 the road will be built. Craig said the developers put Naples City as first trustees on property the developers own in Heber and if the road is not built by then, the city could foreclose on the property. Craig said the developers are working with a bank, two different contractors, and a private investor and would like to start building again but could not because of the bond. Craig said another part of the agreement was as the lots are sold, the developer will use part of those funds for the construction of the road. Craig recommended the Council work with the Planning Commission in getting the lots on the 750 East road as part of Phase I or make them Phase II so the developers can put in the infrastructure and get that section built. Craig said he feels good about the City being first on the deed for the property in Heber and that it has good value. Craig said the other discussion in the meeting was the lighting for the subdivision. Craig agreed that the electrical portion of the lighting could be added to the second phase of the development and all be taken care of during the second phase. Craig asked the Council to allow him to work with

***PROPOSED AGREEMENT
WITH PHEASANT RUN
SUBDIVISION FOR 750
EAST ROAD***

Dennis Judd and get the warranty deeds written up. Mayor Baker wanted to know if the City could take ownership of some of the lots in the subdivision instead of becoming trustees on the Heber property. Craig said he didn't want to go in that direction because none of the infrastructure was in place for any of those lots. Councilman Long felt the piece of property in Heber would be good collateral. Gordon Kitchen **moved** to proceed with the process of writing up the trust deeds. Kenneth Reynolds **seconded** the motion. The motion passed with the following vote:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Council members received copies of the appraisal completed on the property near the park owned by the Bascom's. Craig said the easement portion of the property the City was interested in would be .007% of the appraised value. Craig said the purpose of the easement was to tap into the catch basin on the school property and run the drainage directly north into the gulch instead of down 1900 South. Craig said Mayor Baker had another recommendation for the drainage. Craig said he could proceed with the offer on the land and they could also discuss the Mayor's recommendation. Councilman Hall wanted to know how the two options would compare cost wise. Craig said they would need an engineer to come and look at the project before making a comparison between the two. This led to the discussion of the next item on the agenda which was the 1900 South drainage.

LAND APPRAISAL FOR BASCOM PROPERTY

Mayor Baker said he discussed the drainage issue on 1900 South with a couple of the Council members. He said they went down and looked at the problem after the last rain storm. He said there is a 30" pipe coming down from the school. He thought they could come from the bubble up already in place on 1900 South, go east to the fence line, cross the road and put a man hole where the water could go in and come back out onto the park. Councilman Kitchen didn't have a problem as long as it didn't get onto the field. Mayor Baker said it would travel down into the natural drainage already there. Councilman Kitchen said this should be a discussion with the Recreation District if they are going to have to maintain it. Mayor Baker said he would let them

1900 SOUTH DRAINAGE

know what they are doing but the City is the one that has to deal with the water. Councilman Kitchen asked about the cost for each of the scenarios. Mayor said they don't have a cost for the one he was discussing. Craig said the cost for the first scenario discussed was \$186,000. Councilman Kitchen thought the concept presented by the Mayor would be the cleanest way to do it. Councilman Kitchen wanted to know how all of this would affect the east pavilion. Mayor Baker thought most of the water should drop into the irrigation box and not affect the other pavilion at all. Craig said it shouldn't add any water to that side. Councilman Kitchen wanted to know if they had ever considered a French drain for that swampy area near the east pavilion. Councilman Kitchen said it would be worth pricing out to see what the City is looking at. Robert Hall **moved** to allow Craig to proceed with an engineer's study of the project for cost estimates of the drainage line as discussed. Dennis Long **seconded** the motion. The motion passed with all voting aye. Councilman Kitchen wanted Craig to include the Recreation District in their discussions.

Gordon Kitchen **moved** to counter offer on the Bascom property for the appraisal amount. Kenneth Reynolds **seconded** the motion. The motion passed as follows:

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Craig Blunt told the Council that Eric Hartle owns a lot in the Winder Industrial Park (1180 E 620 S) and is requesting permission to split the lot. Mr. Hartle has someone interested in building on the lot but they don't need 2.5 acres. Craig said the City only allowed certain lots in Winder Industrial to be split and randomly picked those but this lot was not one of those. Councilman Reynolds wanted to know if it would still be an acre lot. Craig said yes it would be. Councilman Kitchen wanted to know if it was a business conducive to what is already there and if the lot will be large enough. Craig said he is making the owner contact the utility companies to make sure they can run each utility without cutting the road. Craig said the lot should be fine for two businesses. Mayor Baker wanted to know if the builder will be able to keep their surface water on their own property. Craig said that is always a requirement of the permit process.

***SPLIT LOT REQUEST BY
ERIC HARTLE***

Kenneth Reynolds **moved** to approve the lot split if they can meet the criteria of maintaining their own surface water. Dennis Long **seconded** the motion. The motion passed with all voting aye.

Craig Blunt explained some of the rules for the CDBG self help housing program in order to purchase lots. Craig said he has already sent out the notice of exemption and the intent to purchase property. Craig said he will be working with Sunstone and Pheasant Run Subdivisions. Craig said the City will have to spend money to appraise the lots before making an offer on any of them. Craig said the appraisals are not part of the grant money so the City would have to approve \$600 for the appraisals. Mayor Baker said he attended an open house for self help housing and found out how many homes are being built in the Basin. Councilman Hall wanted to know where the money was going to come from. Craig said he would meet with Nikki to find funds in the budget. No action was taken on this matter.

CDBG SELF HELP HOUSING PROGRAM

Chris Hoem discussed the Affordable Housing Plan. Chris said he hadn't put the new census figures into the Housing Plan yet. Councilman Kitchen said he still has some concerns about some of the wording in the Plan. He said much of the language seems to dictate what the City is supposed to do and it is the City's plan. He thought it should be worded to say what the City is willing to do and what the City is willing to provide. Chris wanted to know if the Council wanted to change the perspective or who was speaking. Councilman Kitchen said he does want to see it change. Mayor Baker highlighted concerns he had and wanted to get with Chris to make sure the discussed changes were made. Chris took the Mayor's copy to compare to his and make sure the Council was given the correct copy. Gordon Kitchen **moved** to table the Plan until Chris reviews it and brings back the changes. Kenneth Reynolds **seconded** the motion. The motion passed with all voting aye.

AFFORDABLE HOUSING PLAN

Chris Hoem presented changes to three chapters of the Land Use Ordinance. The first change presented was to Chapter 02-03 in the wording of when a public hearing for changes to the Land Use Ordinance is held. Councilman Kitchen questioned the maps that are discussed in the Flood Plain Chapter 02-10. He said he has a hard time approving something he has not seen. Chris asked Craig about the Flood Plain map provided by FEMA. Craig said they are currently working with FEMA to try and change the flood

ORDINANCE 11-132 AMENDMENTS TO LAND USE PLAN

plain map. Craig said the current map doesn't have any elevations or flows. Craig said it is a process to try and get the maps changed. Chris said the regulations covered in Chapter 02-10 are very similar to what the Council just approved in Flood Damage Prevention Ordinance 11-129 and he wasn't sure what the problem was. Councilman Kitchen said he still wasn't comfortable with the maps. Craig said the Master Flood Map shows a little different picture. Chris said the Council could postpone the changes to this chapter until the map is completed by FEMA and then include it as an appendix to the chapter. Craig said he would like to see the Master Flood Plain studies given to FEMA and have them use those to update the maps. Council members wanted Chris to see about getting a better map reflecting the true flood plain for Naples. Mayor Baker asked if the Council was okay with the changes to chapter 02-03, chapter 02-31 and the re-zone map then they could adopt Ordinance 11-132 without chapter 02-10.

Chris asked if the Council wanted to review the re-zone map. Chris said the Planning Commission held a public hearing to receive input on the proposed new R-1 zone. Chris said after the public hearing the Planning Commission made a few exemptions for the R-1 zone. Chris said one of the places they exempted was a corner lot in Hunter Hollow that is .57 acres. Chris said the current owners purchased that lot specifically to have horses and so the Commission thought it was okay to exempt that lot even though it is still part of the subdivision. Mayor Baker wanted to know what happens if someone moves into a lot next to them and wants the same exemption. Chris said if the lot is big enough they could do it. Councilman Reynolds said if they adopt the Ordinance then the Council wouldn't have to allow that. Mayor Baker said he didn't have a problem with grand-fathering their lot but didn't want to see that one lot zoned as an RA-1. Chris said the owners might not have a horse for a year and then decide to get one and they would have to come in and apply for a re-zone. Mayor Baker said if the owner sells it should revert to the R-1. Councilman Kitchen thought that would cause problems with a new owner because they might purchase the land with the idea of using it the same way as the previous owner. Chris said it is the use that matters and not the owner. Mayor Baker said if someone new buys it then they would not be grand-fathered. Chris said he doesn't think it works that way. Craig said he is right, it is the use that matters and not the owner. Chris said the Planning Commission recommended leaving it as the RA-1. Mayor

Baker just thought it would be cleaner to have the whole subdivision zoned as R-1 and leave that one lot as grandfathered. Chris said the other areas that were not changed were eight lots in front of High Country along 500 E, the rest of the Pheasant Run Subdivision, a back lot of Wildwood Subdivision, the Farm Subdivision, a large lot on the north side of Spring Creek, Phase II and III of Sunstone and Fairway Manor. After the discussion, Dennis Long **moved** to approve Ordinance 11-132, removing Chapter 02-10 from the changes, leaving lot fourteen of Hunter Hollow with a grandfathered exemption but changing the zone for the entire subdivision to R-1, and updating the zone map with the R-1 zones. Kenneth Reynolds **seconded** the motion. The motion passed with a roll call vote as follows

Robert Hall	Aye
Dan Olsen	Aye
Dennis Long	Aye
Kenneth Reynolds	Aye
Gordon Kitchen	Aye

Chris Hoem reported on the retail conference he attended in Las Vegas. Chris said they were able to meet with several different retailers and share the story of Naples and this area to people who are in a position to bring development to the area. Chris said he will be meeting with the other Planners to help with putting together an informational packet to send to retail brokers. Chris said the conference was really good and felt the contacts he made had the potential to bring development to Naples City.

UPDATE ON RETAIL CONFERENCE

Dan Olsen **moved** to go into a closed session to discuss the character, professional competence, physical or mental health of an individual. Dennis Long **seconded** the motion. The motion passed with all voting in the affirmative. Mayor Baker, Council members Robert Hall, Dan Olsen, Dennis Long, Kenneth Reynolds, and Gordon Kitchen were present in the session. Chief Watkins, Craig Blunt, and Nikki Kay were also present. According to U.C.A. 52-4-206(6)(a), Mayor Baker signed a sworn statement as to the reason for the closed meeting.

MOTION TO MOVE INTO A CLOSED SESSION

Kenneth Reynolds **moved** to reconvene back into regular session. Gordon Kitchen **seconded** the motion. The motion passed with all voting aye.

Councilman Olsen said the change to the drainage on 2000

OTHER MATTERS - 2000

South has worked very well except for the water coming from the Lind's property. Councilman Olsen said all that water caused the culvert to float up and the water to pond in the corner. Councilman Olsen suggested strapping the culvert down to keep this from happening in the future. Council members discussed ways to anchor the culvert. Councilman Olsen said he would have extra dirt from his property to use if needed. Craig said he would get with Jim and discuss what they could do to fix the problem.

SOUTH DRAINAGE

Craig Blunt let the Council know that at the next meeting they would need to add a discussion about vacating the lots where Tuscan Condos started to build. Craig said the property where those are located was divided up into five individual parcels with a common area and it will need to be vacated back to an RA-1. Mayor said the Council can't make any decision on it because it was not on the agenda but the Council was in favor of what the current property owner is trying to do.

With no other business before the Council, Kenneth Reynolds **moved** to adjourn the meeting at 10:00 p.m. Robert Hall **seconded** the motion. The meeting was adjourned.

MOTION TO ADJOURN

APPROVED BY COUNCIL ON THE 28th DAY OF JULY 2011

BY: _____

ATTEST: _____